

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MD CHARLES C. SUNG, a married
man,

Plaintiff,

v.

MISSION VALLEY RENEWABLE
ENERGY, LLC, a Delaware limited
liability company doing business in the
State of Washington, et al.,

Defendants.

NO: CV-11-5163-RMP

ORDER ADDRESSING
DEFENDANTS' MOTIONS TO RELY
ON OVERLENGTH BRIEFS

BEFORE THE COURT, without oral argument, is Defendant FDIC's
Motion for Permission to Rely on Over-length Brief and Partial Waiver of LR
56.1(a) and Motion for Summary Judgment, both motions filed as one document
under ECF No. 43. Also before the Court, without oral argument, is Defendant
McKay's Motion for Summary Judgment and for Permission to File Over-Length

1 Brief, ECF No. 47, and another Motion for Permission to Rely on Over-Length
2 Brief, ECF No. 51.

3 FDIC's Motion at ECF No. 43 was noted for two hearing dates; discernibly,
4 the Motion for Summary Judgment is noted for hearing on January 11, 2013, at
5 11:00 a.m., ECF No. 44, and the Motion for Permission to Rely on an Over-length
6 Brief is noted for hearing on December 10, 2012. ECF No. 45.

7 McKay's Motion for Summary Judgment is noted for hearing on January 11,
8 2013, at 11:00 a.m., ECF No. 48, and also December 10, 2012, ECF No. 49.
9 McKay's Motion for Permission to Rely on an Over-length Brief, filed at ECF No.
10 51, is also noted for hearing on January 11, 2013, at 11:00 a.m.

11 Plaintiff responds at ECF No. 54 and 55, stating that 1) Defendants'
12 memoranda uses a 12 point type face, and therefore if converted to a 14 point
13 typeface as required by LR 10.1, would be approximately 40 pages; and 2) reserves
14 the right to request leave to file an over-length brief if necessary to adequately
15 address the arguments.

16 Having reviewed the motions, responses, reply, and all relevant filings, the
17 Court finds that good cause exist to grant in part and reserve in part Defendants'
18 motions. Accordingly, **IT IS HEREBY ORDERED:**

- 19 1. Defendant FDIC's Motion for Permission to Rely on Overlength Brief
20 and Partial Waiver of LR 56.1(a) is **GRANTED IN PART** and

1 **RESERVED IN PART.** Defendant may rely upon the overlength brief;
2 however the summary judgment is reserved for ruling pending the
3 January 11, 2013 hearing.

4 2. Defendant McKay's Motions for Summary Judgment and for Permission
5 to File Over-length Brief, **ECF No. 51**, is **GRANTED IN PART and**
6 **FOUND AS MOOT IN PART.** Defendants may rely upon the over-
7 length brief; however, the summary judgment portion of the motion is
8 **FOUND AS MOOT**, as it is already noted for hearing under ECF No.
9 47.

10 3. Defendant McKay's Motion for Summary Judgment and Permission to
11 File Over-Length Brief, **ECF No. 47**, is **RESERVED IN PART and**
12 **FOUND AS MOOT IN PART.** Summary Judgment is reserved for
13 ruling pending the January 11, 2013 hearing; however, the motion to rely
14 on over-length brief is moot, as it is duplicative of ECF No. 51.

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1 4. Plaintiff may move for leave to file an overlength brief if necessary to
2 adequately address the arguments advanced in the motions for summary
3 judgment.

4 The District Court Clerk is directed to enter this Order and provide copies to
5 counsel.

6 **DATED** this 12th day of December 2012.

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8 *s/ Rosanna Malouf Peterson*
9 ROSANNA MALOUF PETERSON
Chief United States District Court Judge